

CONCORD COLONY HOMEOWNERS ASSOCIATION
ARCHITECTURAL CONTROL COMMITTEE
GUIDELINES

Revised: August 2002

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ARCHITECTURAL CONTROL COMMITTEE

REVIEW GUIDELINES

The Architectural Control Committee (ACC) was created to enhance property values by requiring conformity to certain standards of construction, visual appeal, uniformity and design. The Covenants, Conditions and Restrictions provide that “no building, fence, wall, structure, improvement, exterior appurtenance, or exterior corporeal hereditament, except landscaping (landscaping defined as “living plants, trees, shrubs, flowers, etc., and utilization of non-living material necessary for growth; i. e., bark, mulch, etc. Trellises, window boxes, arbors, and permanent brick borders must have Architectural Control Committee approval. Landscape timbers and bricks without mortar do not need Architectural Control Committee approval unless they exceed a height of one (1’) foot. No construction or improvement shall be commenced, erected, placed, or altered on any Lot, nor shall any exterior addition to or change or alteration, other than landscaping, be made to the Lot, improvements, appurtenances, or corporeal hereditaments until the construction plans and specifications describing the nature, kind, shape, height, materials and a plot plan showing the location of same, have been approved in writing.”

It is the general purpose of the ACC to approve or disapprove applications made to it for proposed alterations, additions or changes to be made to the exterior of the house and/or lot itself. Landscaping does not require ACC approval unless the configuration of the ground changes (i. e. berms, fill dirt, etc.).

Procedure

A “Request” for Home Improvement Approval Form” must be completed in its entirety and mailed to the address indicated on the form. All pertinent information such as plans, specifications, applicable building permits, locations of the proposed improvements must be indicated on a copy of the survey, etc. and all of these items should be included with the application.

The architectural review forms are available from your management company. The ACC cannot respond to verbal request for approval – all applications must be made in writing.

The ACC has thirty days from the date of receipt of any application in which to respond. If additional information is required by the ACC, the application process will be

extended accordingly. Plans for the implementation of the proposed improvement(s) should allow for the time required to complete the approval process. No construction should begin prior to the approval. Additionally, should your application be submitted after the fact of construction, the ACC is not required to provide approval and there is no limitation of time for the review. You may be required to remove said improvements.

If an application is not approved, the ACC will state in their letter why such approval was denied and what type of application changes, if any, would alter that decision. If an applicant wishes to discuss or appeal a decision made by the ACC, the Designated Representative should be contacted in writing.

Guidelines

The following are guidelines adopted by the ACC to specify their standards, requirements and thought processes used in evaluating an application. The guidelines may be amended from time to time as the circumstances, conditions or opinions of the ACC dictate. It should be noted that each application is considered on its own merit and that the ACC may grant a variance from these guidelines and/or from certain provisions of the CCRS. The ACC has the right to deviate approval for a similar improvement based on the proximity of a property to a main boulevard on the visual relativity of the site to the overall development. As an example, a home located on a perimeter of the development may be permitted to have a certain styled storage building, whereas on a main entry boulevard and depending on the configuration of the lot, this same item may not be approved. As an example, a home located on a perimeter of the development may be permitted to have a certain styled storage building, whereas on a main entry boulevard and depending on the configuration of the lot, this same item may not be approved. The intent is to maintain overall integrity within areas of higher visual impact.

It should be noted that ACC approval is required prior to the installation or construction of the improvement or change. If an improvement is made without ACC approval, the Board of Directors has the legal right to enforce its removal.

Because guidelines may change from time to time, it is highly recommended that they are not published and distributed to the homeowners or if distributed, any revisions must also be distributed. Instead, committee members only for the processing of applications should use them. This reduces the possibility of homeowners following obsolete guidelines in their home improvement. However, the guidelines should be dated and a chronological book be retained to evidence the process for review over time.

1.0 Outbuildings

1.1 An “outbuilding” is defined as any structure, which is not attached to the main structure. This definition does not include a bonafided addition to the main residence or garages wherein an actual opening to the main structure exists, but does include storage sheds, gazebos, and playhouse/forts.

1.2 The ACC will consider the following:

- a. The colors should match/blend with the predominant exterior colors of the main residence.
- b. Materials should match those of the main residence in both size and color; however, the ACC will approve small prefabricated metal storage buildings providing the color blends with the main residence.
- c. It should have a peaked roof, compatible to the primary dwelling, no higher than eight (8’) feet from the ground to the highest point, and a maximum of 10’ x 12’ floor space. The structure must be placed and maintained a minimum of three (3’) feet off the rear property line and the distance from the side fence will be determined based on visibility from the street in front of the lot. At no time, however, will that distance from the side fence be less than three (3’) feet, regardless of visibility. Location must also be far enough away from the fence to allow for drainage to occur entirely on the owner’s lot.
- d. Storage building placed on a concrete slab on top of a utility easement will require letters of Consent to Encroach, as it will be considered portable. HL&P charges approximately \$125.00 for this consent letter. If a storage building is not on the utility easement, but on a slab, and can be moved, the ACC will consider it as portable.
- e. No storage building can be built up against any side or rear wall of a home unless its maximum height is less than eight (8’) feet and it is not visible from the fronting street. It must

also comply with all the other requirements for proper construction, size and location.

- f. If less than six (6') feet, the storage structure may be placed in a side yard provided the three (3') minimum setbacks are observed and the perimeter is fenced in.
- g. A playhouse/fort must be no higher than nine (9') feet maximum. If the fort has a platform, then the platform can be no higher than forty-two (42") inches above ground and centered in the back yard to protect the neighbor's privacy. It shall also be placed so as not to be visible from the front street.
- h. Gazebo – Freestanding – Must be at least six (6') feet away from house. Gazebo construction must be reviewed on a case-by-case basis with a maximum height at the peak of eleven (11') feet and must be three (3') feet off the side and back fence.

2.0 Basketball Goals

- 2.1 The basketball goal backboard, net and post must be maintained in excellent condition at all times.
- 2.2 If the backboard is mounted onto the roof by use of a small, triangular mounting structure, the mounting structure must be painted to match the shingle color.
- 2.3 Rims must be ten (10') feet in height.
- 2.4 The backboard must be regulation size and color.
- 2.5 The backboard must be mounted on garage or placed on the side of the driveway, recognizing a setback of a minimum to correspond with the building line.
- 2.6 If any complaints are received within six (6) months after installation, the basketball goal will be subject to immediate removal at the request of the ACC.

3.0 Patio Cover

- 3.1 The patio cover should be constructed of materials, which compliment the main structure.

- 3.2 Prefab covers made of aluminum may be approved providing they are of an earth tone color – unfinished aluminum will not receive ACC approval. All metal must be painted and certain structures using fiberglass roofing and wood frame may be allowed to go unpainted provided treated wood is used.
- 3.3 If attached to house, must be integrated into existing roof line (flush with eaves), and if it is to be shingled, shingles must match roof. The entire patio cover and posts should be trimmed out to match the house. Supports must be painted wooden, treated wood or metal columns. No pipe is allowed.
- 3.4 At no time, however, shall a shingled roof be allowed with an unpainted frame. The frame will have to be painted to match the trim of the house whether treated or untreated wood is used.
- 3.5 Patio construction materials are as follows:
- a. Painted aluminum (to match trim of house)
 - b. Painted wood (to match trim of house)
 - c. Natural pressure treated wood such as cedar, fir, redwood, may be used. Treated pine must be painted or stained.
 - d. Fiberglass is acceptable and earth tone colors such as tan, brown, beige, and clear may be used. No green or yellow is allowed. Edges of fiberglass must not be visible from surrounding properties or from any street. General Note: All patio cover material, i. e., fiberglass, corrugated aluminum, metal, wood, or lattice must be completely framed in so that no raw edges of material are visible.
 - e. If canvas is used as roofing material on a patio cover, it must be an earth tone color and the structure must be located where it is not visible from the street. Also, the canvas must be kept in quality condition or the H. O. A will request its removal. No greens are allowed for residential use.
- 3.6 Patio covers may not encroach into any utility easement unless the utility companies involved have granted their written consent to such encroachment.

3.7 Patio covers must be situated on the lot to provide drainage solely into the owner's lot. If a proposed patio cover location is less than five (5') feet away from a side lot line, the ACC will require that it be guttered with downspouts if it is to be a solid cover.

4.0 Room Additions

4.1 Exterior materials and colors should match the house as much as possible.

4.2 Detailed plans must be submitted to the ACC.

4.3 Room additions may not encroach into any utility easement unless the utility companies involved have granted their written consent to such encroachment.

4.4 On individual basis. Size and shape will depend on architectural style and layout of home, size of lot, and how well room addition integrates with existing home. The addition of a storage area will not qualify as a bonafide room addition and will not be permitted. Plans for a room addition must show a room of reasonable size to constitute a legitimate request for a room addition. Roof of addition must integrate with existing roofline so as to appear to have been part of the original home. The addition must be opened to the main structure and be serviced by central heat/AC and electrical. All such improvements must be designed to building code standards. Room additions may be denied for other reasons, i. e., structural integrity, architectural suitability, etc.

4.5 Building permits as required by the applicable municipality (city, county, etc.) must be submitted with the "Architectural Review Application" form. In some instances, the ACC will grant approval with the provision that a copy of the permit must be received by the ACC within thirty (30) days of the approval letter.

5.0 Exterior Painting

5.1 Earth tone colors are most often used when homes were constructed. In general, an earth tone color should receive ACC approval.

5.2 Other earth tone blend colors will be considered. The color of neighboring homes will be taken into consideration along with the applicant's house brick features.

6.0 Storm Windows and Storm/Screen Doors

6.1 Provided the frames of these are of a color compatible with the exterior house colors, storm windows and storm or screen doors should receive ACC approval.

7.0 Decks

7.1 Decks may not encroach into any utility easement unless the utility companies involved have granted their written consent to such encroachment.

7.2 Decks should be situated on the lot so that they may pose a problem to the effective drainage of the lot or neighboring lot.

7.3 Decks cannot be higher than eighteen (18") inches above grade.

7.4 Paint or stain should match or compliment the house.

8.0 Swimming Pools and Spas

8.1 No pool or spa of any type may encroach into any utility easement unless the utility companies involved have granted their written consent to such encroachment. Pool decking which extends into an easement also requires a consent agreement. Consents must be received prior to approval. Note: HL&P charges approximately \$125 for this consent letter.

8.2 Ideally, any pool or spa should be located at least five (5') feet from a side and rear lot line to maintain proper drainage on the lot. However, a minimum of three (3') feet will be allowed in certain instances.

8.3 Above ground pools will not be permitted.

8.4 Only those pools completely enclosed within a fenced area may be approved.

8.5 Pool pumps and equipment must be screened within the fenced perimeter and not visible from the fronting street.

8.6 Pool enclosures will be reviewed on an individual basis and height should not exceed eight (8') feet.

9.0 Satellite Dishes

- 9.1 See separate Aerial and Satellite Dish Antennae Guidelines recorded, or to be recorded, in the Official Public Records of Real Property of Harris County, Texas.
- 9.2 The ACC request that the satellite dish be placed in the least visible position possible.

10.0 Fence and Fence Extensions

- 10.1 Case by Case
- 10.2 No higher than six (6') feet. Note: Consents from all affected neighbors must be submitted in order to be considered for height extension.
- 10.3 No painting, staining, or varnishing of fence shall be permitted. Clear weatherproofing is allowed.
- 10.4 Wood fences shall be constructed of cedar wood only.
- 10.5 No fences of any kind, including, but not limited to, split rail fences or decorative fencing are permitted in the front yard other than those constructed for use at model homes. This must be removed prior to the sale of a model.
- 10.6 Fence extension requests should be submitted by both neighbors sharing the side lot line and fence, except in the case of a corner lot.
- 10.7 No fence may extend so as to encroach in front of a building line.
- 10.8 If both neighbors do not concur as to a proposed fence extension, the ACC will examine the effect the fence extension will have on both properties. If one party will suffer detrimentally from the extension (i. e., will totally enclose a bay window) the ACC has the right to reject the application.
- 10.9 Approved fences will be installed with picket side out where visible from any street.
- 10.10 Replacement or repairs of fence must be made with similar materials and construction details as used in original fence.
- 10.11 Fencing shall be uniform throughout the development. Wrought iron may be used in areas of decorative use in sections across

driveway or where used across a building line so long as there are no items, storage or otherwise visible from a fronting street.

11.0 Decorations

- 11.1 On front lawns of lots and on any portion of lot visible from any street, decorative structures such as sculptures, birdbaths, birdhouses, fountains, swings, benches or other decorative embellishments will be reviewed on an individual basis. These structures must not exceed twenty-four (24") inches in height.
- 11.2 Burglar bars and gates will be reviewed on an individual basis.
- 11.3 House numbers may be placed on house or mailbox, but not any type of freestanding structure in front yard.

12.0 Exterior Lighting

- 12.1 Additional exterior lighting should not be of a wattage or lumen count, which will affect neighboring homes.
- 12.2 Directional lights or floodlights must be aimed so as not to shine in the windows of neighboring homes.
- 12.3 Low voltage landscaping lighting should receive ACC approval.
- 12.4 Security, mercury vapor, or fluorescent lights must be attached to the front of the house, preferably over the garage. Mercury vapor, fluorescent, and sodium halite may be permitted in the back yard as long as it in no way shines onto adjacent property.
- 12.5 Yard lights may be gas or electric. Single lamp only. Maximum height six (6') foot. May be in front or back yards. Gas or electric lights must be black or brown, depending on color of house and determination of suitable color will be the decision of the ACC.

13.0 Mailboxes

- 13.1 Replacement of the original pole with a wooden post should receive ACC approval. If the post is to be painted or stained, a paint sample must be included with the application. The ACC will consider the effect a painted or stained post will have on the street – if the proposed color will not readily blend in with the surrounding materials, that portion of the application will be denied.

13.2 Bricked mailbox stands should receive approval providing the brick matches the house, the stand is appropriate in size and design and will U. S. Post Office requirements. A specific sketch should be included with the application.

14.0 Wind Turbines

14.1 The wind turbines preferably should either be a color that will blend with the shingle color instead of unfinished aluminum or be painted to match the shingle color.

15.0 Outdoor Carpeting

15.1 No outdoor carpet

16.0 Burglar Bars

16.1 Acceptable provided in harmony with house.

16.2 Painted to match exterior trim

17.0 Birdhouses

17.1 Maximum preferred height is fifteen (15') feet to be positioned behind primary dwelling

17.2 Mounted on two (2") inch diameter metal pipe painted white or black.

17.3 Must be placed toward the middle of back yard and not visible from the fronting street.

18.0 Landscaping

18.1 Timbers, bricks, stone (used native Texas stone), flowerbed borders, landscape lights, trellises and sprinklers may be approved subject to ACC review.

18.2 Must compliment style and architecture of home and conform to color scheme of immediate neighborhood.

19.0 Antennas

19.1 Must be installed on backside of house, lower than center roofline and should not be visible from the street. No freestanding structure permitted.

19.2 If a lot backs onto vacant property and/or can be seen from the entrance to the subdivision or adjacent road, screening will be required for any antenna installed.

19.3 Antennas are not allowed on corner lots if visible from front or side street, regardless of screening.

20.0 Swing Sets

20.1 Maximum height of six (6') feet.

20.2 Location will be considered for neighbor's privacy.

20.3 May not be visible from fronting street.

21.0 Driveway Extensions/Sidewalks

21.1 Case by case

21.2 No closer than three (3') feet to property line and must be parallel to curb. Driveway extensions can extend no nearer to side property line than three (3') feet and five (5') feet in certain instances.

21.3 All sidewalks in the side yard must be no greater than 48" wide.

22.0 Garage Conversions, Carports, Detached Garages

22.1 Conversions are not permitted and all garages must be capable of housing a minimum of two (2) cars at all times with an operational garage door.

22.2 Detached garage/carports are permitted on a very limited basis and can only be used to store additional vehicles.

22.3 Driveways can never be removed from front yard even if alternate garage is built.

23.0 Window Air Conditioners

23.1 Must not be visible from street and must be below the fenceline.

24.0 Window Shades/Awnings

24.1 Canvas awnings will not be permitted to be installed on windows to reduce solar exposure unless they are on the backside of house on an interior lot and not visible at all from the street. On a corner lot or lot that backs onto a street, canvas awnings will not be permitted at all. When allowed, they must be earth tone colors or compatible to house trim, and must be kept in excellent condition at all times or will be subject to immediate removal upon notification by the HOA or their unacceptable condition.

- 24.2 Awnings will still be allowed for use on playhouse and patio covers, provided they also comply with aforementioned requirements for proper location and color.
- 24.3 Metal and wooden slat-type shades may be allowed by the ACC if they are deemed necessary in reduction of solar exposure.

THE ABOVE AND FOREGOING Architectural Control Guidelines have been unanimously approved by the Board of Directors of the Concord Colony Homeowners Association and the members of the Association's Architectural Control Committee, to become effective immediately upon the executive hereof by the Association's officers reflected below.

IN WITNESS WHEREOF, we, have hereunto set our hands on this the 13th day of August, 2002.

APPROVED:

**CONCORD COLONY HOMEOWNERS
ASSOCIATION**

Randal W. Ward, President

ATTEST:

Sandra G. Matthews, Secretary

CERTIFICATION OF CORPORATE RESOLUTION

I, the undersigned, do hereby certify:

THAT I am the duly elected and acting Secretary of the Concord Colony Homeowners Association, a Texas Non-Profit Corporation, and

THAT the foregoing Architectural Control Committee Guidelines were adopted per the various Deed Restrictions for Section One of the Concord Colony Subdivision within the Association's jurisdiction, at a duly called meeting of the Board of Directors and the Architectural Control Committee, held on the 13th day of August, 2002.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 13th day of August, 2002.

Sandra G. Matthews, Secretary

SUBSCRIBED AND SWORN TO BEFORE ME by Sandra G. Matthews on this 13th day of August, 2002.

Anita Ashmore, **NOTARY PUBLID IN
AND FOR THE STATE OF TEXAS**